

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY 12 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

RECEIVED

MAY 15 2008

APR 24 2008

FILED
CLERK'S OFFICE

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION

MDL No. 1938

*RECD. CERT. that the above copy
is a true and correct copy of
the original on file in my office*

(SEE ATTACHED SCHEDULE)

ATTEST:
WILLIAM T. WALSH, Clerk
United States District Court
District of New Jersey

CONDITIONAL TRANSFER ORDER (CTO-1)

By JOHN ICKLAN

On April 8, 2008, the Panel transferred 21 civil actions to the United States District Court for the District of New Jersey for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See ___ F.Supp.2d ___ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Dennis M. Cavanaugh.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of New Jersey and assigned to Judge Cavanaugh.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of New Jersey for the reasons stated in the order of April 8, 2008, and, with the consent of that court, assigned to the Honorable Dennis M. Cavanaugh.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of New Jersey. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Luthi
Clerk of the Panel

A CERTIFIED TRUE COPY

MAY 12 2008

ATTEST: *Daniel M. Stone*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

**IN RE: VYTORIN/ZETIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1938

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA MIDDLE ALM 2 08-129	John D. Swindall v. Merck & Co., Inc., et al.
ALABAMA NORTHERN ALN 1 08-279 ALN 2 08-134	Thomas L. Sizemore v. Merck & Co., Inc., et al. Constantine Kanakis, et al. v. Merck & Co., Inc., et al.
ARKANSAS EASTERN ARE 4 08-86 ARE 5 08-42	John H. Stanley, Jr. v. Merck & Co., Inc., et al. Juanita Sloan v. Merck & Co., Inc., et al.
ARIZONA AZ 2 08-360	Robert S. Leyin v. Merck/Schering-Plough Pharmaceuticals, et al. Opposed 5/9/08
CALIFORNIA CENTRAL CAC 2 08-1038 CAC 2 08-1499	Glenda Morgan v. Merck & Co., Inc., et al. Ronald Dossey v. Merck & Co., Inc., et al.
CALIFORNIA EASTERN CAE 2 08-355	Carolyn Boyle v. Merck & Co., Inc., et al.
CALIFORNIA NORTHERN CAN 4 08-929	Mircea Muresan v. Merck & Co., Inc., et al.
DELAWARE DE 1 08-176	Elaine Hawk v. Merck & Co., Inc., et al.
FLORIDA MIDDLE FLM 6 08-153 FLM 6 08-178	Alma Hooks, et al. v. Merck & Co., Inc., et al. Stephen Greenwell v. Merck & Co., Inc., et al.
FLORIDA NORTHERN FLN 5 08-58	Jean T. Smith v. Merck & Co., Inc., et al.
FLORIDA SOUTHERN FLS 1 08-20317	Moises Selesky v. Merck & Co., Inc., et al.
GEORGIA NORTHERN GAN 1 08-309 GAN 1 08-417	Dewey Eugene Keith, et al. v. Merck & Co., Inc., et al. Gregory Flynn v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST.</u>	<u>DIV.</u>	<u>C.A. #</u>	<u>CASE CAPTION</u>
IOWA NORTHERN			
IAN	2	08-1007	Donald Pierce, et al. v. Merck & Co., Inc., et al.
IOWA SOUTHERN			
IAS	1	08-13	James A. Pratt v. Merck & Co., Inc., et al.
IAS	4	08-81	Donna Greenley v. Merck & Co., Inc., et al.
ILLINOIS SOUTHERN			
ILS	3	08-67	Christina Robin Wallace, et al. v. Merck & Co., Inc., et al.
ILS	3	08-163	Mary Trebilcock v. Merck & Co., Inc., et al.
ILS	3	08-191	Jerry Kee, et al. v. Merck & Co., Inc., et al.
INDIANA SOUTHERN			
INS	1	08-210	June Wilkins v. Merck & Co., Inc., et al.
INS	1	08-335	Rick Lane v. Merck & Co., Inc., et al.
INS	1	08-470	Edna Appel v. Merck & Co., Inc., et al.
KANSAS			
KS	2	08-2163	Lois Roberta Bowers v. Merck & Co., Inc., et al.
LOUISIANA EASTERN			
LAE	2	08-784	Kelly Fontana, et al. v. Merck & Co., Inc., et al.
LAE	2	08-1235	Louisiana Health Service & Indemnity Co., etc. v. Merck & Co., Inc., et al.
MASSACHUSETTS			
MA	1	08-10109	Edward Arasimowicz v. Merck & Co., Inc., et al.
MARYLAND			
MD	1	08-860	Mitchell Peiser v. Merck & Co., Inc., et al.
MAINE			
ME	2	08-58	Barry Zimmerman v. Merck & Co., Inc., et al.
MINNESOTA			
MN	0	08-220	Daniel L. Tollefson, Sr. v. Merck & Co., Inc., et al.
MISSOURI EASTERN			
MOE	4	08-123	Chong Badgley v. Merck & Co., Inc., et al.
MOE	4	08-295	William G. Krejci v. Merck & Co., Inc., et al.
MOE	4	08-308	Robert L. Scheu v. Merck & Co., Inc., et al.
MOE	4	08-315	Timothy J. Leyes, Sr. v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MISSOURI WESTERN	
MOW 2 08-4021	Steve Dillon, et al. v. Merck & Co., Inc., et al.
MOW 4 08-145	Marie Maley v. Merck & Co., Inc., et al.
MOW 4 08-153	Beverly Walden v. Merck & Co., Inc., et al.
MOW 4 08-172	Anthony Neland v. Merck & Co., Inc., et al.
MOW 4 08-187	Wei Chan v. Merck & Co., Inc., et al.
MOW 6 08-3119	John Grant, et al. v. Merck/Schering-Plough Pharmaceuticals, et al.
	Opposed 5/9/08
MISSISSIPPI SOUTHERN	
MSS 2 08-74	Iley Joe Payne v. Merck & Co., Inc., et al.
MSS 5 08-10	Roy Davis v. Merck & Co., Inc., et al.
MONTANA	
MT 6 08-18	Janet Lamping v. Merck & Co., Inc., et al.
NORTH CAROLINA WESTERN	
NCW 3 08-66	Susan Bodnar v. Merck & Co., Inc., et al.
NEBRASKA	
NE 8 08-147	Robert Stanley v. Merck & Co., Inc., et al.
NEW MEXICO	
NM 6 08-89	Reverend John Carl Adams v. Merck & Co., Inc., et al.
NEVADA	
NV 3 08-64	Bruce J. Bitter, et al. v. Merck & Co., Inc., et al.
NEW YORK EASTERN	
NYE 2 08-344	Andrew Schwaebel v. Merck & Co., Inc., et al.
OKLAHOMA EASTERN	
OKE 6 08-110	Sharon Loeffler v. Merck & Co., Inc., et al.
PUERTO RICO	
PR 3 08-1206	James Cumba, et al. v. Merck & Co., Inc., et al.
SOUTH CAROLINA	
SC 0 08-518	Gloria Brown v. Merck & Co., Inc., et al.
SC 3 08-318	Jeffrey D. Morgan, M.D. v. Merck & Co., Inc. et al.
TENNESSEE EASTERN	
TNE 1 08-33	Evelyn Igou, et al. v. Merck & Co., Inc., et al.

MDL No. 1938 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
TENNESSEE WESTERN TNW 1 08-1043	Gary Lackey v. Merck & Co., Inc., et al.
TEXAS EASTERN TXE 9 08-19	Robert S. Love v. Merck & C., Inc., et al.
TEXAS SOUTHERN TXS 2 08-34 TXS 3 08-84	Roberto DeLeon v. Schering-Plough Corp., et al. James J. Janik v. Merck & Co., Inc., et al.
WEST VIRGINIA SOUTHERN WVS 3 08-162 WVS 3 08-195	Virginia Miller, et al. v. Merck & Co., Inc., et al. Debra Lynn Lewis, et al. v. Schering-Plough Pharmaceuticals, Inc., et al.

Date:May 22, 2008

Re: MDL -1938 – In re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation
District Court Case Numbers Unassigned Pending Case Extraction

Dear Clerk:

Enclosed is a certified copy of the Order of the Judicial Panel on Multidistrict Litigation, transferring the actions listed in that order, and presently pending in your Court, to the District of New Jersey, and assigned to the Honorable Dennis M. Cavanaugh, USDC for coordinated or consolidated pretrial proceedings pursuant to 28 USC 1407.

If your court is currently on CM/ECF Version 3.0, you can transfer the case to use via Case Extraction in Utilities. If you have any questions, please contact Ms. Charles Sanders at 973-645-4582. Please return a copy of this letter when transmitting your files and certified copies of the docket sheets.

Very truly yours,

WILLIAM T. WALSH, Clerk

/s/ John Icklan, Deputy Clerk

Enc.

cc: Jeffrey N. Luthi
Clerk, Judicial Panel on Multidistrict Litigation